

### **Amendments to the Drawings**

Kindly enter the following amendments to the drawings:

Please amend original Figure 1 with the amended Figure 1 as shown on the attached Replacement Drawing Sheet 1.

Please amend original Figure 2 with the amended Figure 2 as shown on the attached Replacement Drawing Sheet 2.

Please add new Figure 3 as shown on the attached New Drawing Sheet 2.

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 22-45 are pending in the application, with claims 22, 32, 43, and 45 being independent claims. Claims 1-21 have been cancelled without prejudice. The cancelled claims have been generally rewritten as newly added Claims 22-45. Descriptive support for the new independent claims 22, 32, 43, and 45 may be found in the specification, the claims as originally filed, and in Figures 1 and 2 as originally filed. Descriptive support for dependent claims 23, 33, and 44 may be found in the Figures 1 and 2 as originally filed. Descriptive support for dependent claims 24-31 and 33-42 may be found in the claims as originally filed. The new claims are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

**Amendments to the Drawings**

The Applicant submits that the amendment to Figure 1, as shown on Replacement Drawing Sheet 1, the amendment to Figure 2, as shown on Replacement Drawing Sheet 2, and the addition of new Figure 3, as shown on New Drawing Sheet 3, do not include any new matter and are explicitly supported in the specification as originally filed. Specifically, amended Figure 1 now includes two numbered extended dashed lines representing inclined lines and numbered ends of the cross section structure that are inherent features of the elongated members as disclosed in the specification as originally filed. The dashed lines do not add new features to the elongated member but rather identify elements of the elongated member that were clearly present in the specification as originally filed to one of ordinary skill in the art.

Amended Figure 2 includes numbered boxes schematically representing the joining means disclosed in the specification as originally filed. Support for the boxes may be found in the specification as originally filed at page 4, lines 3-4, discussing the use of “a weld along the external edges, as indicated in number (5) of Figure 2.”

New Figure 3 shows an arrangement of two elongated members as explicitly disclosed in the specification as originally filed. Support for new Figure 3 may be found on page 5, lines 1-4, which read in part, “in addition, all the elongated members that form the substantially long beam, column or member of a structure are arranged in a mismatched manner, by ensuring that the joints between them do not coincide in a common transversal section.” One of ordinary skill in the art would have understood the elongated members shown in new Figure 3 to be a simple perspective representation of the elongated members, shown in the original Figure 2, arranged as explicitly described on page 5, lines 1-4.

As such, the Applicant respectfully submits that the amendments to the drawings include no new matter not explicitly disclosed in the specification as originally filed and respectfully requests that the amendments to the drawings be entered.

#### Amendments to the Specification

The Applicant submits that the amendments to the specification above introduce no new matter and their entry is respectfully requested.

The paragraph replaced on page 3, at line 15, simply includes language identifying the elongated members shown in Figure 2. Support for the amendment may be found in Figure 2 as originally filed; no new matter has been added.

The paragraph inserted between lines 16 and 17 on page 3, identifies the new Figure 3. Support for the amendment may be found on page 5, lines 1-4 as originally filed; no new matter has been added.

The paragraph replaced at page 4, line 3, includes a reference identifying the joining means schematically on the Figure 2. Support for the amendment may be found on page 4, lines 3-7; no new matter has been added.

The paragraph replaced at page 4, line 12, includes accurately descriptive terms for features disclosed in the original specification as well as references for first and second inclined lines and cross section ends inherently defined by elements disclosed in the original specification. Support for the amendment may be found in Figures 1 and 2 as originally filed; no new matter has been added.

The paragraph replaced at page 4, line 22, includes references to new Figure 3 and

includes labels for the elongated member and shown in new Figure 3. Support for the amendment may be found on page 5, lines 1-4 as originally filed; no new matter has been added.

The paragraphed inserted on line 14 of page 5 includes specific language from cancelled original claims 3, 5, 14, 16, and 17. Support for the amendment may be found in the claims as originally filed; no new matter has been added.

#### Objection to the Drawings under 37 CFR 1.83(a)

The drawings stand objected to for allegedly not showing every feature of the invention specified in the claims. Specifically, the Examiner notes the following features must be shown or cancelled from the claims: the “varying thickness” in claims 5 and 16, the “joining means” in claims 1, 4, 8, 10, 15, 17, and 19, the “mismatched manner” in claim 6, and the “seal” in claim 20.

Upon entry of the amendment to the claim, the features directed to the “varying thickness” and the “seal” are no longer recited in the newly added claims 22-45. As such, the Applicant respectfully requests that the objection to the drawings with respect to the “varying thickness” and the “seal” features be withdrawn.

Upon entry of the amendment to the drawings, the “joining means” is now schematically represented in amended Figure 2 as two boxes located at location 5. As such, the Applicant respectfully requests that the objection to the drawings with respect to the “joining means” feature be withdrawn.

Upon entry of the amendment to the drawings, the “mismatched manner” is now represented in the new Figure 3, showing how the ends of two elongated members may be assembled such that the ends of the elongated members do not coincide. As such, the Applicant respectfully requests that the objection to the drawings with respect to the “mismatched manner” feature be withdrawn.

#### Examiner Rejections of Claims 1-21 under 35 USC §112

Claims 1-9, and 17 stand rejected by the Examiner under 35 U.S.C. § 112 as being allegedly indefinite for failing to particularly point out and distinctly claim.

Claims 1-21 have hereby been cancelled without prejudice and generally rewritten as new Claims 22-45. The rejections are therefore moot. The Applicant submits that new Claims 22-45 conform with current U.S. practice.

#### Examiner Rejections of Claims 1-21

Claims 1-5, 7, 8, 10-13, 15, 16, 18, 19, and 21 stand rejected by the Examiner under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent 2,975,874 (“Pagan”). The Examiner rejected Claims 10 and 14 as being allegedly anticipated under 35 U.S.C. § 102(b) by U.S. Patent 5,454,302 (“Menchetti”). Claims 9 and 20 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Pagan in view of U.S. Patent 4,002,000 (“Howard et al.”). Finally, the Examiner also rejected Claims 6 and 17 as being allegedly unpatentable under 35 U.S.C. § 103(a) over Pagan in view of U.S. Patent 3,606,418 (“Burker et al.”).

Claims 1-21 have hereby been cancelled without prejudice and new Claims 22-45 have been added. The rejections are therefore moot.

#### New Claims 22-45 Are Patentable Over The Cited Art

The Applicant respectfully submits that new Claims 22-45 are patentable over the cited prior art.

With respect to Pagan and Howard et al., each of the independent claims 22, 32, 43, and 45 recite: “each elongated member having a identical “C” shaped cross section.” Pagan discloses two elongated members having different cross sections. Specifically, one of the elongated members (1a) of Pagan is configured to nest within the other elongated member (1), inherently requiring that the cross section of the nested elongated member be smaller or “non-identical” to the cross section of the other elongated member. Likewise, Howard et al. also discloses two elongated members having different cross sections. Specifically, one of the elongated members (21) of Howard et al. is configured to nest within the other elongated member (22), inherently requiring that the cross section of the nested elongated member be smaller or “non-identical” to the cross section of the other elongated member. As such, the Applicant respectfully submits that Pagan or Howard et al. fail to teach each and every element of the independent claims 22, 32, 43, and 45.

With respect to Menchetti and Burker et al., each of the independent claims 22, 32, 43, and 45 recite “an angled corner between the first section and the third section, the angled corner having an interior corner side substantially facing the opening and an exterior corner side defining a first inclined line.” This geometry is not present in either of Menchetti or Burker et al. Specifically, Menchetti specifically fails to disclose an angled corner that defines a first inclined line as specifically recited in the independent claims. Likewise, the Burker et al. fails to disclose an angled corner that defines a first inclined line as recited in the independent claims. Both Menchetti and Burker et al. disclose sharp corners on the exterior corner surfaces of the elongated members. As such, Menchetti and Burker et al. fail to disclose each and every element of the independent claims. It should be noted that Pagan and Howard et al. also fail to disclose an angled corner defining a first inclined line.

As one of ordinary skill in the art would immediately appreciate, the arrangement of the angled corner as shown in the Figures 1-3 facilitates the assembly of the two elongated members into an assembled structure. When assembling both elongated members, their geometries, and more particularly the angled corners, act in a cooperative manner, making the assembly process very simple and fast. The angled corners on each of the elongated members, as specifically claimed in the independent claims, act as a set of guides during assembly to guide the elongated members together, driving the elongated members in both vertical and horizontal components of the first inclined line.

Additionally, the independent claims 22, 32, 43, and 45 also recite “the distance between the first inclined line and the first end is less than the distance between the second inclined line and the second end.” None of the prior art cited by the Examiner includes this recitation.

Again, as one of ordinary skill in the art would appreciate, the arrangement of the geometries of the elongated members as recited in the independent claims facilitates the assembly of the elongated members into an assembled structure. The claimed arrangement provide the minimum distance required between the second end of the cross section and the second inclined line such that the another elongated member, having an identical cross section, may easily slide along the first inclined line during assembly and not interfere with the stiffeners or indentations formed on the third section of the elongated members. In fact, by arranging the cross sections of the elongated members as shown in Figures 1 and 2, as originally filed, the

assembly of two elongated members may be accomplished by gravity once the two angled corners have been engaged by the second ends of the elongated members cross sections. This arrangement is not present in the cited prior art.

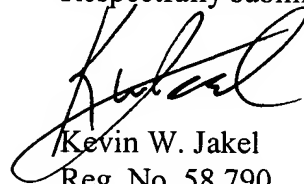
Therefore, the Applicant respectfully submits that none of the cited prior, including Pagan, Menchetti, Howard et al., and Burkner et al., specifically teach or disclose each and every element of the independent claims 22, 32, 43, and 45. Therefore, the Applicant submits that Claims 22, 32, 43, and 45 are now patentable. Because dependent claims necessarily include each and every element of a claim from which they depend, Applicant respectfully submits that dependent claims 23-31, 33-42, and 44 are also allowable as they depend from allowable independent claims.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Remarks is respectfully requested.

Respectfully submitted,



Kevin W. Jakel  
Reg. No. 58,790  
202-682-3573

Date: February 21, 2007